REMARKS

Claims 1-77 are currently pending in the above-referenced patent application. Claims 37-80 are newly added by way of the present amendment.

In the Office Action: Applicants claim for priority under 35 U.S.C. § 119 was rejected. Claims 1-2, 9, 13-15, 20, 26, 31, and 35-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chander et al. (U.S. Patent No. 5,909,651) and further in view of Khalil (U.S. Patent No. 6,091, 961), Rydbeck et al. (U.S. Patent No. 6,332,006), and Willey (U.S. Patent No. 6,505,058). Claims 3, 21, and 27 were rejected 35 U.S.C. § 103(a) as being unpatentable over Chander et al., Khalil, Rydbeck et al., and Willey and further in view of Butler et al. (U.S. Patent No. 6,111,865). Claims 4-8, 10-12, 16-19, 22-25, 28-30, and 32-34 were objected to as being dependent upon a rejected base claim but are allowable.

In response to the rejection of Applicants claim for priority under 35 U.S.C. § 119, the Applicants respectfully request reconsideration. The Office Action states on page 2 that "[a] claim for priority under 35 U.S.C. § 119(a)-(d) can not be based on said application, since the United States application was filed more than twelve months thereafter (9-05-2000, Tuesday)." The Applicants acknowledge the present U.S. Patent Application was filed on September 5, 2000 and claims priority to Korean Patent Application No. 37479-1999, which was filed on September 3, 1999.

M.P.E.P. § 505 states that "[w]hen the last day for taking any action or paying any fee in the Office falls on a Saturday, Sunday, or a Federal holiday within the District of

Columbia, the action or the fee is considered timely if the action is taken or fee paid on the next succeeding business day." September 3, 2000 was a Sunday. Monday, September 4, 2000 was a Federal Holiday. Particularly, September 4, 2000 was Labor Day, as shown in the attached Appendix which is a bulletin from the Office of Personnel Management of the United States Government showing the Federal Holidays in the year of 2000. Accordingly, since the present application was filed on the next succeeding business day of September 3, 2000, the application should be considered timely for the purposes of claiming priority under 35 U.S.C. § 119.

In response to the rejection of claims 1, 2, 9, 13, and 14 under 35 U.S.C. § 103(a) as being unpatentable in view of Chander et al., Khalil, Rydbeck et al., and Willey, the Applicants respectfully request reconsideration. These claims recite "...a broadcast indicator to notify whether a base station is transmitting a broadcast message to a mobile station..."

Chander et al. relates to a broadcast short message service architecture. It is stated in the Office Action on page 2, "...Chander et al...is silent on a broadcast indicator..." Accordingly, Chander et al. does not teach or suggest a broadcast indicator, as recited in claims 1, 2, 9, 13, and 14.

Khalil relates to a system for broadcasting messages from a mobile radio terminal. In claims 1, 2, 5, and 7 of Khalil, a broadcast indicator is disclosed. However, the broadcast indicator disclosed in Khalil is different from the broadcast indicator recited in claims 1, 2, 9,

13 and 14. This evident and apparent, Khalil discloses that "...[a] network [receives a] message for broadcast from [a] terminal and [responds] to [a] broadcast indicator by converting [the] message for broadcast from [a] point-to-point format to broadcast format..." Accordingly, Khalil does not teach or suggest "...a broadcast indicator to notify whether a base station is transmitting a broadcast message to a mobile terminal...", as recited in claims 1, 2, 9, 13, and 14.

Rydbeck et al. relates to providing high-penetration messaging in wireless communication systems. However, there is not disclosure in Rydbeck et al. of a "broadcast indicator", as recited in claims 1, 2, 9, 13, and 14.

Willey relates to a method for determining whether to wake up a mobile station. However, unlike the recitations of claims 1, 2, 9, 13, and 14, Willey does not disclose a "broadcast indicator".

As neither Chander et al., Khalil, Rydbeck et al., nor Willey teach or suggest "...a broadcast indicator to notify whether a base station is transmitting a broadcast message to a mobile station...", as recited in claims 1, 2, 9, 13, and 14, a *prima facie* case of obviousness has not been established in the rejection of these claims.

In response to the rejection of claim 15 under 35 U.S.C. § 103(a) as being unpatentable in view of Chander et al., Khalil, Rydbeck et al., and Willey, the Applicants respectfully request reconsideration. Claim 15 recites "...a broadcast indicator...to notify whether [a] base station is transmitting a broadcast message to a mobile

station..." Chander et al., Khalil, Rydbeck et al., and Willey have been discussed above. For similar reasons as discussed above, none of these references, alone or in combination, teach or suggest "...a broadcast indicator...to notify whether [a] base station is transmitting a broadcast message to a mobile station..." At least for this reason, a *pima facie* case of obviousness has not been established.

In response to the rejection of claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Chander et al., Khalil, Rydbeck et al., and Willey, the Applicants respectfully request reconsideration. Claim 20 recites a "...broadcast indicator [that] indicates that [a] base station is transmitting [a] broadcast message..." For similar reasons as discussed above, neither Chander et al., Khalil, Rydbeck et al., nor Willey teach or suggest, alone or combination, these recitations. At least for this reason, a *prima facie* case of obviousness has not been established.

In response to the rejection of claim 26 under 35 U.S.C. § 103(a) as being unpatentable in view of Chander et al., Khalil, Rydbeck et al., and Willey, the Applicants respectfully request reconsideration. Claim 26 recites a "...broadcast indicator [that] indicates that [a] broadcast message is present on [a] second common channel." For similar reasons as discussed above, neither Chander et al., Khalil, Rydbeck et al., nor Willey, alone or in combination, teach or suggest these recitations. At least for this reason, a *prima facie* case of obviousness has not been established.

In response to the rejection of claims 31, 35, and 36 under 35 U.S.C. § 103(a) as being unpatentable in view of Chander et al., Khalil, Rydbeck et al, and Willey, the Applicants respectfully request reconsideration. These claims recite "...a broadcast indicator to indicate whether a broadcast message is present on a paging channel..." For similar reasons as discussed above, neither Chander et al., Khalil, Rydbeck et al., nor Willey, alone or in combination, teach or suggest these recitations. At least for this reason, a *prima facie* case of obviousness has not been established.

In response to the rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable in view of Chander et al., Khalil, Rydbeck et al., Willey, and Butler et al., the Applicants respectfully request reconsideration. Claim 3 comprises the same recitations, as discussed above for claims 1, 2, 9, 13, and 14. As discussed above, neither Chander et al., Khalil, Rydbeck et al., nor Willey teach or suggest a broadcast indicator, as recited in claim 3.

Butler et al. relates to dual channel slotted paging. However, unlike the recitations of claim 3, Butler et al. does not disclose a "broadcast indicator." Accordingly, Butler et al. does not alleviate the deficiencies of Chander et al., Khalil, Rydbeck et al., and Willey. At least for this reason, a *prima facie* case of obviousness has not been established.

In response to the rejection of claim 21 under 35 U.S.C. § 103(a) as being unpatentable in view of Chander et al., Khalil, Rydbeck et al., Willey, and Butler et al., the Applicants respectfully request reconsideration. This claim comprises the same

recitations as discussed above for claim 20. For similar reasons, as discussed above, neither Chander et al., Khalil, Rydbeck et al., Willey, nor Butler et al., along or in combination, teach or suggest a broadcast indicator, as recited in claim 21. At least for this reason, a *prima facie* case of obviousness has not been established.

In response to the rejection of claim 27 under 35 U.S.C. § 103(a) as being unpatentable in view of Chander et al., Khalil, Rydbeck et al., Willey, and Butler et al., the Applicants respectfully request reconsideration. This claim comprise the same recitations as discussed above for claim 26. For similar reasons, as discussed above, neither Chander et al., Khalil, Rydbeck et al., Willey, nor Butler et al., alone or combination, teach or suggest a broadcast indicator as recited in claim 27. At least for this reason, a *prima facie* case of obviousness has not been established.

In response to the objection of claims 4-8, 10-12, 16-19, 22-25, 28-30, and 32-34 as being dependent upon a rejected base claim, the Applicants respectfully request reconsideration. The Applicants respectfully submit that these claims are allowable based on their dependency on one of independent claims 1, 15, 20, 26, and 31.

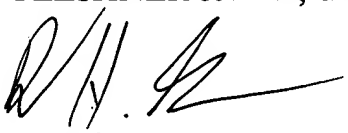
The Applicants acknowledge the Examiner's statements for reasons for allowable subject matter. However, the Applicants can not acknowledge these statements for the purposes of prosecution history estoppel, as these statements do not correspond to the recitations of the claims word-for-word.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Daniel H. Sherr, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Daniel Y.J. Kim
Registration No. 36,186
Daniel H. Sherr
Registration No. 46,425

P.O. Box 221200
Chantilly, VA 20153-1200
703 502-9440 DYK/DHS:tljw
Date: